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CrI.O.P.No.22512 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.02.2023

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

CrI.O.P.No.22512 of 2021 and
CrI.M.P.Nos.12237 & 12238 of 2021

1.Venkatesan
2.Kesavan

... Petitioners / Accused Nos.1 & 2

Vs.

1.The Inspector of Police,
Ramanatham Police Station,
Cuddalore District.
(Cr.No.44 of 2020)

2.Elaiyaraja

... Respondents

Prayer : Criminal Original Petition has been filed under Section 482 of Cr.P.C. to call for the records and quash the charge sheet in C.C.No.59 of 2020 on the file of the Judicial Magistrate, Thittagudi.

For Petitioners ... Mr.J.Antony Jesus

For Respondents ... Mr.A.Gopinath,
Govt. Advocate (CrI.Side) for R1



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ORDER

This Criminal Original Petition has been filed to call for the records and quash the charge sheet in C.C.No.59 of 2020 on the file of the Judicial Magistrate, Thittagudi.

2. Heard the learned counsel for the petitioners and the learned Government Advocate (Crl.Side) for the first respondent.

3. The petitioners are the accused 1 and 2. The case of the prosecution is that on 08.02.2020 at about 5 p.m. when the listed witnesses 1 and 2 were irrigating their lands, the accused who were standing in their lands abused the L.W.1 & 2 and the first accused assaulted the L.W.2 with Arival and inflicted injury over is left cheeks and on his head. When L.W.1 went and prevented the accused, they pushed him down and attacked him also.

4. The learned counsel for the petitioners submitted that there are contradictions in the evidence of eye witnesses; hence the case registered against the petitioners itself is unbelievable; in the accident register, it is stated as accidental fall; but the complaint has been filed as though the accused had assaulted L.W.1 and 2.



5. The learned Government Advocate (Crl.Side) submitted that the witnesses have given statement incriminating the accused; the statement would show overtact on the part of the accused; the doctor has stated about the treatment given to the injured when they were admitted in the hospital; since the materials make out a case against the accused, they should be subjected to trial.

6. The defacto complainant and his brother had given statement wherein they have stated about the details of the occurrence. The only contention that has been made by the learned counsel for the petitioners is that when the injured witness L.W.2 was taken to hospital for treatment, he has stated to the doctor that he had accidentally fallen and in the complaint, he has stated that he was assaulted by the accused. The statement of L.W.1 itself would clarify that since the accused were paternal uncle and his son, they had stated that L.W.2 had accidental fall in the well. Even though in the accident register, it is shown that the injured has stated that the injury was due to accidental fall, the doctor who had treated the injured was examined as L.W.7 has stated in his evidence that the injured had given



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statement that they were attacked by two persons. These facts on record itself are sufficient to make out a case against the accused for the offences under Sections 294(b), 323, 324 & 506(2) of IPC.

7. Since the materials available on record has got sufficient ingredients to make out the offence under Section 294(b), 323, 324 & 506(2) of IPC and the overtact of each of the accused have also been stated elaborately, the proceedings cannot be quashed. The contradictions in the statement of the witnesses would be relevant for appreciating the evidence. But the holistic reading of the materials would only show that there are sufficient ingredients to make out the offence against the accused.

8. In view of the above stated reasons, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petitions are closed.

Index: Yes/No
Internet: Yes/No
gsk

13.02.2023



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1.The Judicial Magistrate, Thittagudi.

2.The Inspector of Police,
Ramanatham Police Station,
Cuddalore District.

3.The Public Prosecutor,
High Court, Madras.



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R.N.MANJULA ,J.

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